

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNI-WORLD CAPITAL L.P., UNI-WORLD CAPITAL
AIV, L.P, FRAGRANCE HOLDINGS, LLC and
FRAGRANCE ACQUISITIONS, LLC,

Plaintiffs,

-v-

PREFERRED FRAGRANCE, INC., HARRY
POLATSEK, EZRIEL POLATSEK, SARAH
POLATSEK, SOLOMON TYRNAUER,
BENT PHILIPSON, BENJAMIN LANDA,
and JOSEPH RUBINSTEIN,

Defendants.
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13 Civ. 7204 (PAE)

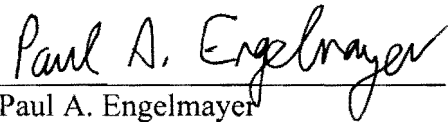
ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received plaintiffs' application for a temporary restraining order and preliminary injunction to prevent Ezriel Polatsek from competing with the business of Preferred Fragrance, Inc., in alleged violation of the Asset Purchase Agreement. The Court will hear argument on the motion on March 14, 2014, at 11:30 a.m. Defendants' opposition is due March 10, 2014. Plaintiffs' reply is due March 12, 2014. The Court declines to grant plaintiffs' application for interim relief.¹

¹ Plaintiffs' memorandum of law indicates that they had at least some awareness of Ezriel Polatsek's alleged competition as of February 20, 2014. The Court admonishes plaintiffs for failing to raise this issue at the February 26, 2014 hearing on defendants' motions to abstain, particularly after the Court indicated it would retain jurisdiction over this case. The Court and defense counsel were all present, and the Court's colloquy with counsel as to the issue of allegedly improper competition might have quickly resolved this controversy.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: March 3, 2014
New York, New York